

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN PICKERING-GEORGE,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY
ADMINISTRATION, et al.,

Defendants.

21-CV-9251 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff filed this *pro se* action seeking review under 42 U.S.C. § 405(g) of the Commissioner of Social Security's decision denying or terminating his application for disability benefits. Plaintiff, who is barred from filing any new action *in forma pauperis* (IFP) without first obtaining from the Court leave to file, also requested permission to file this action and to proceed IFP. On January 10, 2022, the Court held that Plaintiff has failed to show good cause why he should be permitted to file this new action, denied his request for leave to file IFP, and dismissed this action. On February 22, 2022, the Court denied Plaintiff's motion for reconsideration of the January 10, 2022, order. On March 15, 2022, the Court received from Plaintiff a notice of appeal for the February 22, 2022, order, and a motion for an extension of time to file a notice of appeal under Rule 4(a)(5) of the Federal Rules of Appellate Procedure.¹ (ECF 9-10.)

The Court denies Plaintiff's motion for an extension of time to file a notice of appeal. A litigant has thirty days from entry of the order or judgment he wishes to challenge to file a notice of appeal. Fed. R. App. P. 4(a)(1)(A). Because Plaintiff timely filed his notice of appeal within

¹ On March 18, 2022, the Court transmitted the notice of appeal to the United States Court of Appeals for the Second Circuit.

thirty days after entry of the February 22, 2022, order, the Court denies the motion for an extension of time to file a notice of appeal as unnecessary.

CONCLUSION

The Court denies Plaintiff's motion for an extension of time to file a notice of appeal (ECF 9) as unnecessary because Plaintiff's notice of appeal (ECF 10) is timely.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: March 29, 2022
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge